IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

WP(C).No. 33986 of 2007(U)

AGAINST THEORDER IN E.P.385/04 IN OS.549/1998 of II ADDL.SUB COURT,THRISSUR
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PETITIONERS:
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1. P.D.MARY, W/O. DEVASSY,
PUTHUVETTIL HOUSE, MULLOORKARA, THRISSUR.

2. KOCHANNA, AGED 66 YEARS,
-DO- -DO-

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

RESPONDENT:

THE CATHOLIC SYRIAN BANK LIMITED,
OTTUPARA BRANCH, REPRESENTED BY ITS BRANCH MANAGER.

BY S.C. FOR C.S.B. SRI. B.S. KRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 33986 OF 2007

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Dated this the 19th day of November, 2007.

J U D G M E N T

This writ petition is filed against the order of the Subordinate Judge, Thrissur in E.A.747/07 in E.P.385/04 in O.S.549/98. Perused the writ petition. The prayer in the writ petition is to set aside Ext.P1 order. Ext.P1 order would reveal that there was a sale of the property and the sale was confirmed, sale certificate issued and delivery ordered. At that stage the judgment debtor wanted to reconvey the property. The Court cannot direct re-conveyance of the property for the reason that when the sale is confirmed and if a petition to set aside the sale is filed not within time, no further action can be taken on that, but to enable the judgment debtor to move the concerned authorities the Court deferred the delivery by a period of one month. That time is over. By issuing a writ the Court cannot direct re-conveyance of the property. It is purely a matter which has

to be settled between the decree holder and the judgment debtor. Therefore, the writ petition is dismissed.

M.N. KRISHNAN, JUDGE.

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